THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.21647 OF 2006

Between:

Balakrishnama Raja Radhakrishnan

……..Petitioner

Vs.

The Regional Passport Officer, Hyderabad Regional Passport Office,adjacent to Prashant Theatre, Secunderabad.

……Respondents.

THE HON'BLE MS.JUSTICE G.ROHINI

WRIT PETITION NO.21647 OF 2006

O R D E R:

The petitioner herein was issued a Passport bearing No.B353366, dated 24.10.1986, initially for a period of ten years. Subsequently it was renewed for another ten years. Since it was about to expire on 04.08.2006 the petitioner made an application for renewal on 28.07.2006. Having noticed that his date of birth was wrongly recorded in the passport as 20.04.1961 instead of 20.04.1962, the petitioner also sought correction of date of birth enclosing the SSC certificate in which his date of birth was recorded as 20.04.1962. However the respondent declined to consider the petitioner's request and insisted upon producing a declaration from the competent Court. To that effect, a letter, dated 14.08.2006 is issued by the respondent. Aggrieved by the same, this writ petition is filed seeking a declaration that the impugned letter, dated 14.08.2006 is arbitrary and illegal.

Heard the learned counsel for the petitioner and perused the material.

Despite registered notice served on 23.10.2006, the respondent did not choose to appear.

It is to be noted that the Government of India, Ministry of External Affairs, issued a circular, dated 18.04.2001, which reads as under:

a) Where an applicant is seeking rectification/correction of a mistake in the entry of date of birth/place of birth in the passport, PIA (Passport Issuing Authority) may after verifying/satisfying himself, affect the correction treating the same as a technical correction. There is no need for a declaratory order in such cases.

b) Where a competent authority issuing a birth certificate or an educational board registering a date of birth along with place of birth as valid were to issue any correction or amendment, PIA may effect the necessary amendment in the passport without insisting on a Court Order. As per the provisions of Section 21 of the General clauses Act, 1997, a competent authority issuing a certificate could also make necessary amendments to the same.

c) Where the initial entry has been made on the basis of a supportive document issued by one competent authority and the applicant subsequently requests for a change on the basis of a certificate issued by another competent authority i.e., municipal authorities resulting in conflicting sources of valid proof, the PIA should direct the applicant to obtain a civil order from a competent Court of jurisdiction, certifying the valid date of birth/place of birth".

Having considered the above circular, this Court in **Ali Imran V. Regional Passport Officer, Secunderabad**[1] held that as per the circular dated 18.04.2001, it is permissible to accept the application for

rectification/correction of the entries in the passport.

The learned counsel for the petitioner submits that the correction of birth of the petitioner in the passport was only a technical correction, and therefore, it falls under clause (a) of the circular. In support of his submission the learned counsel relied upon the decision in **Asra Begum V.Regional Passport Officer, Secunderabad**[2]**.**

Having regard to the Circular, dated 18.04.2001 and following the decision of this Court in **Ali Imran's case** (1 supra), the writ petition is disposed of permitting the petitioner to re-submit his application for correction of date of birth along with the supporting material within a period of two weeks from the date of receipt of a copy of this order, in which event, the respondent shall entertain the same and pass appropriate orders in terms of the Circular, dated 18.04.2001 within a period of four weeks thereafter. No order as to costs.

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G.ROHINI J.,

Dt.28.08.2007
tjs

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[1]) 2003(3) ALD 625

[2]) 2004(6) ALD 360